

a compression mechanism disposed within said shell, said compression mechanism including a compression chamber defined in part by a moveable member [movable], said moveable member operating to vary the volume thereof;

a drive shaft rotatably supported within said shell and drivingly coupled to said movable member;

a suction inlet passage for supplying suction gas to said compression chamber from a source remote from said shell;

a valve within said suction inlet passage, said valve being actuatable between an open position to allow flow of suction gas through said inlet passage and a closed position to substantially prevent flow of suction gas through said inlet passage;

a controller for cyclically actuating said valve to an open position for first predetermined time periods and to a closed position for second predetermined time periods, the ratio of said first predetermined time period to the sum of said first and second predetermined time periods being less than a given load time constant and determining the percentage modulation of the capacity of said compressor.

#### REMARKS

Prior to paying the issue fee in the subject application, applicant carefully reviewed the allowed claims to make sure there were no errors made. A minor typographical error was found, thus necessitating this amendment. The amendment has been made to correct this obvious typographical error and to improve consistency.